

REMARKS

This Amendment, filed in reply to the Office Action dated June 29, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-34 remain pending in the application, with claims 4-30 withdrawn from further consideration at this time pursuant to the Response to Election of Species. In the Election, claim 1 was deemed generic, and therefore the withdrawn claims were retained in the application. Applicant submits that claim 1 is allowable for the reasons set forth below, and therefore, the withdrawn claims should be rejoined and allowed with the elected claims.

Claims 1-3, 31 and 33-34 have been rejected under 35 U.S.C. § 102 as being unpatentable over Ejima (U.S.P. 6,229,953). Claim 32 has been rejected under 35 U.S.C. § 112, first paragraph. Applicant hereinabove cancels claim 32 without prejudice or disclaimer. With regard to the prior art rejection, Applicant hereinabove amends claim 1 and respectfully submits the following arguments in traversal of the prior art rejections.

Applicant submits that the claim amendments should be entered as they include the subject matter of prior pending claim 2 (and 31), for example. Accordingly, the amendments should raise no new issues in need of further search or consideration.

In the amended claim 1, the apparatus includes said release switch positioned substantially at the center in a longitudinal direction of the vertical body and plurality of operation switches all of the which is disposed upper than the release switch. In this configuration, a user of the image capturing apparatus can operate the release switch and all

operation switches with one finger, usually a thumb. Thus, the operability performance is improved.

Contrary to the claimed invention, in Ejima et al., Figures 12, 13 and 14 show the information input apparatus having a sound recording button 12, a release button 10, and buttons (CLEAR, CANCEL, MENU, EXEC, a plurality of arrow buttons). However, the reference does not teach or suggest the particular feature now incorporated into claim 1 or its advantage. For example, Ejima does not teach the placement of the operation switches in an upper half. The disposition of the MENU and EXEC are clearly disposed in a lower portion of the body. For this reason, the amended claim 1 would be patentable over the reference.

Applicant adds claim 35 to describe a feature of the invention more particularly. The claim should be entered because it is allowable based on its dependency on claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No.: 09/702,817

Attorney Docket No.: Q61579

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

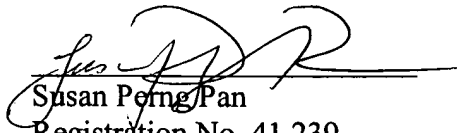
Respectfully submitted,

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Date: November 29, 2005